

Message Text

SECRET

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S E C R E T LONDON 03142

LIMDIS

E.O. 11652: XGDS-1
TAGS: PEPR, MY
SUBJECT: UK-BRUNEI RELATIONS

REF: A) 77 LONDON 13394; B) 77 KUALA LUMPUR 9217

1. SIMONS, HEAD OF FCO SOUTH EAST ASIA DEPT, BRIEFED
EMBOFF ON LATEST DEVELOPMENTS IN UK-BRUNEI RELATIONS
AS OF FEBRUARY 22. THE SULTAN'S FATHER, SIR OMAR,
HAS CONTINUED TO RESIST BRITISH EFFORTS TO END
BRITAIN'S PRESENT RESPONSIBILITY FOR BRUNEI'S EXTERNAL
DEFENSE AND FOREIGN AFFAIRS. SIMONS SAID IT IS AS
DIFFICULT TO GET SIR OMAR TO CHANGE HIS MIND AS
SYNGMAN RHEE AND KONRAD ADENAUER.

2. SINCE THERE HAS BEEN NO MEETING OF THE MINDS, ON
JANUARY 14 SIR OMAR SENT A MESSAGE IN WHICH HE INVOKED
THE "RIGHT" UNDER THE 1971 TREATY TO ADDRESS TO THE
QUEEN A COMPLAINT ABOUT HER OWN BRITISH CABINET
MINISTERS. SIR OMAR MADE A DETAILED CASE FOR LEAVING
MATTERS AS THEY ARE, AND CAME UP WITH TWO SPECIFIC
REQUESTS: 1) HE WANTED TO APPEAL TO THE JUDICIAL

SECRET

SECRET

PAGE 02 LONDON 03142 250504Z

COMMITTEE OF THE PRIVY COUNCIL (WHICH HAS APPELLATE
JURISDICTION FOR COLONIAL MATTERS) TO DETERMINE WHETHER
OR NOT THE BRITISH GOVNMNT IS ENTITLED TO TERMINATE
THE 1971 AGREEMENT AQAINST HIS WISHES; AND 2) HE WANTED
TO MAKE A PERSONAL APPEAL TO THE QUEEN IN ORDER TO
PRESENT HIS CASE.

3. SIMONS CONTINUED THAT BRITISH CONSTITUTIONAL PROCEDURE REQUIRES THAT SOME PROCESSES MUST BE GONE THROUGH BEFORE A SUBSTANTIVE MESSAGE IS FORWARDED TO THE QUEEN, AND THESE HAVE TAKEN SOME TIME. THE QUEEN ACTS ON THE ADVICE OF HER MINISTERS, BUT SHE MUST BE CONSULTED AND GIVEN ALL THE EVIDENCE; SHE HAS THE RIGHT TO "ADVISE, CAUTION, AND WARN." AT THE END OF LAST WEEK, THE MESSAGE WAS DULY FORWARDED TO THE QUEEN WITH THE ADVICE FROM HER MINISTERS THAT 1) THE REQUEST TO APPEAL TO THE JUDICIAL COMMITTEE NOT BE GRANTED AND 2) THE APPROACH TO THE QUEEN IS A MATTER OF GOVERNMENT COMPETENCE. BY THE TERMS OF THE 1971 AGREEMENT, THE APPROACH IS VIA THE FOREIGN SECRETARY; IT IS THEREFORE INTENDED TO BE INDIRECT, NOT DIRECTLY PERSONAL, AND SUCH AN APPROACH THEREFORE CAN NOT BE ACCEPTED.

4. THE NEXT STEP, AFTER THIS ADVICE HAS BEEN ACTED UPON, IS TO ADVISE SIR OMAR THAT SINCE ALL OTHER MEANS OF DISCUSSING AND SETTLING THE ISSUE HAVE BEEN EX-HAUSTED, THE BRITISH GOVERNMENT IS PREPARED TO TERMINATE THE 1971 AGREEMENT AND TO ANNOUNCE THE BEGINNING OF THE WITHDRAWAL OF THE BRITISH BATTALION. WITHDRAWAL WOULD NOT TAKE PLACE FORTHWITH, BUT SIR OMAR WOULD BE TOLD HOW LONG THE BRITISH HAD IN MIND FOR THE WITHDRAWAL. THE FCO FEELS THAT THE LIKELIHOOD IS THAT AT THAT STAGE SIR OMAR WOULD WISH TO RESUME THE
SECRET

SECRET

PAGE 03 LONDON 03142 250504Z

DISCUSSIONS WITH THE BRITISH ON A PRACTICAL BASIS.

BREWSTER

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NNN

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